



Docket No: 687-442

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Randy L. Morningstar

Group Art Unit: 3743

Serial No.: 09/872,704

Filed: June 1, 2001

Examiner: Ferko

For: Implantable Medical Balloon and Valve

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on:

Date

*July 3, 2003*

Signature: Linda Newton

*Linda K. Newton*

**RESPONSE UNDER 37 C.F.R. § 1.111**

**RECEIVED**

Commissioner for Patents  
Alexandria, VA 22313-1450

JUL 10 2003

TECHNOLOGY CENTER R3700

Dear Commissioner:

In response to the Official Action dated April 3, 2003, please enter the following remarks:

**Remarks**

The Office Action withdrew claims 20-51 and 62-88 from consideration.

The Office Action rejected claims 1, 2, 5-7 and 10 under 35 U.S.C. Section 102 (b) as being anticipated by Pevsner US Re. 32,348. Claims 3, 4, 8 and 9 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Pevsner in view of Dormandy, Jr., U.S. Pat. No. 4,819,637. Claims 11-13 and 17-19 were rejected under the same combination of references. Claims 14-16 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Pevsner in view of Dormandy, Jr. as applied to claim 11, and further in view of Copenhaver et al., U.S. Pat. No. 5,720,734. Claims 52-61 were rejected under 35 U.S.C. Section 103(a) over Pevsner in view of Dormandy, Jr. and further in view of Copenhaver et al., U.S. Pat. No. 5,720,734.

The Examiner is respectfully thanked for the careful review of this application as evidenced by the thorough office action that included explicit explanations of the various rejections. Also, the Examiner is respectfully thanked for withdrawing the previous rejections and objections.